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C O N F I D E N T I A L SECTION 01 OF 03 BUCHAREST 000444

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TAGS: [PREL](#) [PGOV](#) [RO](#)

SUBJECT: STAGE SET FOR PARLIAMENTARY SESSION ON SUSPENDING  
PRESIDENT BASESCU

REF: BUCHAREST 443

Classified By: Polcouns Theodore Tanoue for 1.4 (b) and (d)

11. (C) Summary: The stage is set for joint session of parliament April 19 to decide on the removal of President Basescu. Ever the wily poker player, Basescu has gotten momentum from a Constitutional Court advisory ruling that he is not guilty of seriously infringing his constitutional powers. His threat to resign from office and initiate a snap Presidential election if suspended has also discomfited his opponents, who are loath to engage in a one-on-one electoral battle with the popular president. The Constitutional Court ruling could offer political cover for Basescu's opponents to back off from suspending the President, and some opposition voices are now calling for restraint. However, the combative Basescu appears intent on giving no quarter and has shown little sign of backing off from a confrontation tomorrow. End Summary.

Constitutional Court: Guilty of Rudeness, Not of Infringing  
Constitution

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12. (C) An April 17 Constitutional Court ruling sets the stage for a dramatic confrontation on Thursday, April 19, when Parliament meets in joint session to decide on the suspension of President Traian Basescu. The carefully-worded eighteen-page argumentation from the Court considers the charges brought against the President by the Social Democratic Party (PSD), Conservative Party (PC), and Greater Romanian Party (PRM) in light of the Court's interpretation of a proper role of the President. The ruling is for the most part extremely favorable to President Basescu, as it acknowledges that the President should to play an active role in the political process, beyond merely a symbolic or protocolary function. Secondly, the court notes that the President's public utterances and opinions fall within the purview of his freedom of expression and are also covered by Presidential immunity. Moreover, actions taken by the President to urge parliament and other institutions should be seen as expressions of the President's opinions and preferences, and not as "acts of decision." The court concludes that, according to this interpretation, the President is entitled within the framework of the Supreme Defense Council (CSAT) to "request" changes of the leadership of the intelligence services when such measures are necessary.

13. (C) The Court ruling also notes that the President has the power to decide on the "urgent and important" matters upon which he can consult the government, as well as the format in which such consultations take place. The court further notes that the President's decisions about the form of his participation in government meetings falls within the scope of such consultations. (Note: This is a direct rebuke



of opposition charges that President Basescu, by participating in cabinet meetings, violated the constitution by "substituting" himself for the government.)

¶4. (C) The Court ruling also confirms that while the Constitution bars a President from membership in any political party, he is not prohibited from maintaining ties with the party that endorsed him during the election, or with any other political parties. The court also stipulates that since the President is elected on the basis of a political program and with the support of political parties, it is obvious that a President should be allowed to continue to have a dialogue with his former party or any other parties. Again, this is a rebuke of opposition charges that the President has violated his constitutional limits by acting in a partisan or politicized manner.

¶5. (C) The Constitutional Court ruling does offer some comfort to Basescu's opponents by underscoring its conviction that the institutional relationship between political bodies must take place in a "civilized" manner in order to secure and promote the values guaranteed by the Constitution. It also refers to a previous June 2006 ruling that the constitutional roles of both the President and Prime Minister obliges them to choose forms of expression that avoid triggering conflicts of a constitutional nature between these two state powers. The ruling also obliquely criticises the President by noting that defamatory remarks and insults are inimical to the "consolidation" of the constitutional order. However, the court ruling concludes that President Basescu in no way seriously infringed on the "constitutional order," which the court defined as "preventing the functioning of the public authorities, suppressing or restraining citizens' rights and freedoms, disrupting or changing the

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constitutional order, or any other acts which would or might have similar effect". The Constitutional Court ruling is advisory in nature, however, and Parliament has the power to ignore the advice of the court if it chooses.

Basescu Threatens to Resign if Suspended  
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¶6. (C) President Basescu has raised the stakes for the joint parliamentary session tomorrow by he will resign and trigger early presidential elections "within five minutes" should the Parliament vote to suspend him. Basescu also suggested that his suspension would send negative signals abroad, result in Romania facing lower investment ratings and diminished credibility abroad. He also warned that "parliament should avoid the risk of being defeated by the Romanian people" as suspension would trigger an automatic referendum to dismiss the president -- in effect, a confrontation between the president and the parliament. Most observers believe that the referendum would favor Basescu. (note: According to an April 17 Data Media poll, which is linked to opposition parties, 42 percent of Romanians would vote to keep Basescu as president, while 31 percent would vote to remove him from office, 17 percent are undecided, and the remainder plan to abstain.)

Suspending the President: A Primer  
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¶7. (C) A simple majority vote from a joint session of parliament (235 out of 469) is necessary to suspend the president following publication of a non-binding ruling from the Constitutional Court. Suspension is for a period of up to 30 days. If the president resigns, snap presidential elections must be called within 90 days. In either case, the president of the Senate, Nicolae Vacaroiu (PSD) becomes interim president unless he were to cede his place to Chamber of Deputies President Bogdan Olteanu (PNL). An interim President enjoys all of the competencies of a regularly-elected one, bar the powers to: 1) address



parliament; 2) dissolve parliament after two attempts to appoint a new government; 3) call a referendum. (Note: We were told by senior PSD strategist Viorel Hrebenciuc that Vacaroiu as interim President would keep most of the Presidential Office staff intact, while bringing in some of his own staffers. However, Hrebenciuc thought that Vacaroiu would make some key reappointments, including replacing the Intelligence chiefs and the Chief of the Defense Staff, Admiral Marin.)

#### Opposition Loath to Challenge Basescu One-on-One

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¶18. (C) President Basescu's threat to resign and force new presidential elections has clearly discomfited his opponents. In recent days, Basescu has argued that he and Prime Minister Tariceanu represent "two different political visions". Basescu said, "I want the modernization of the state; the PM is dependent on the oligarchs' influence. There is no chance to get along under these circumstances. I would never accept perpetuating the oligarchic system generated by the transition." Basescu held out two scenarios for Romania: "One in which capitalism is under oligarchic non-democratic control; the other where the market economy has correct and transparent rules, which implies that the oligarchs are removed from political decisions."

¶19. (C) So far, only extreme nationalist New Generation Party (PNG) leader Gigi Becali and New Initiative Party (PIN) leader Cozmin Gusa have announced they would compete for the presidency against Basescu. The PSD and PNL have stated they would put forward candidates, but neither PSD head Mircea Geoana nor PNL President (and Prime Minister) Tariceanu would want to engage Basescu in a mano-a-mano race for the Presidency. Geoana, who has led parliament's attack on Basescu, told the Ambassador April 13 that he was committed to suspending Basescu. However, despite Geoana's insistence on pressing forward with the vote, some recent press reports suggest that a number of PSD old-timers, including former President Iliescu and PSD Deputy Viorel Hrebenciuc, have reservations about going beyond the original goal of removing the Democrats (PD) from the government coalition, creating a National Liberal (PNL) "super-minority" government and handing Basescu a yellow-warning card.

¶110. (C) The Ambassador's April 12 meeting with Defense Minister (and PNL Senator) Teodor Melescanu also elicited signs of misgivings about pushing too far. Melescanu's reservations were echoed by Transport Minister Ludovic Orban, who while insisting that he remained one of the president's

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fiercest critics, remarked that he did not want the suspension process to go forward. Orban argued what Romania needed most was stability. Even the PRM's Vadim Tudor briefly appeared to be withdrawing support for the president's suspension when he said that he did not want to remove Basescu only to replace him with a group of "wild" crooks.

Comment:  
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¶111. (C) While Basescu's suspension appeared to be a sure thing a couple of weeks ago, both the quiet post-Easter Week break and hints of a moderate Constitutional Court decision helped to cool off political tempers lately. Ironically, even the cabinet reshuffle and the expulsion of the Democratic Party from the ruling coalition may have taken some of the day-to-day tensions out of governance. Above all, Basescu's pledge to force early Presidential elections if he were to be suspended has given his foes pause. That said, Basescu has not yielded an inch to his enemies despite back channel entreaties (reftel) from some PSD quarters that he give them a face-saving soft landing from the suspension scenario. Both emotions and cold political calculations will



be the order of the day during the joint parliamentary  
session tomorrow. End Comment.  
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